

misled the public, and in that the article was offered for sale under the name of another article.

The charge recommended by this department was that the article was adulterated, as alleged in the libel. No misbranding charge was recommended.

On February 1, 1929, no claimant having appeared for the property, judgment was entered, ordering that the product be destroyed by the United States marshal or that it might be sold for fertilizer or kindred uses by the said marshal if he deemed it expedient and wise.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16219. Adulteration of canned tomato pulp and adulteration and misbranding of canned tomato puree. U. S. v. 850 Cases of Tomato Puree, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23272, 23319. I. S. Nos. 03481, 03482. S. Nos. 1348, 1372.)

On or about December 24, 1928, and January 8, 1929, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 850 cases of tomato puree and 945 cases of tomato pulp, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by W. E. Robinson & Co., the tomato pulp on or about October 20, 1928, and the tomato puree on or about October 31, 1928, and had been transported from the State of Delaware into the State of Maryland, and charging adulteration with respect to the tomato pulp, and adulteration and misbranding with respect to the tomato puree, in violation of the food and drugs act. The tomato puree was labeled in part: "Newark Brand Tomato Puree * * * Packed by John F. Richards, Newark, Del."

It was alleged in the libels that the articles were adulterated in that they consisted in part of filthy, decomposed, and putrid vegetable substances.

Misbranding of the tomato puree was alleged for the reason that the statement on the label, "Tomato Puree," was false and misleading and deceived and misled the purchaser when applied to a product made from tomato trimmings and cores.

On February 27, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16220. Adulteration of walnuts. U. S. v. 26 Sacks of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23202. I. S. Nos. 0752, 0758. S. No. 1303.)

On November 19, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 sacks of walnuts, remaining in the original unbroken packages at San Francisco, Calif., having been consigned by E. Gilbert & Co. from Berkeley, Calif., about November 3, 1928, to Portland, Oreg., and returned to San Francisco, Calif. It was alleged in the libel that the article had been shipped in interstate commerce from Portland, Oreg., into the State of California, arriving at San Francisco, Calif., November 18, 1927 (1928), and charging adulteration in violation of the food and drugs act. The article was labeled in part: "P. Binn, Oregon Gardeners Assn. Portland, Oregon."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On February 26, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16221. Misbranding of Nozol. U. S. v. 10 Dozen Bottles and 11 Bottles of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23372. I. S. Nos. 03642, 03643. S. No. 1511.)

On February 6, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 dozen small-sized bottles and 11 large-sized bottles of Nozol, remaining in the unbroken packages at New York, N. Y., alleging that